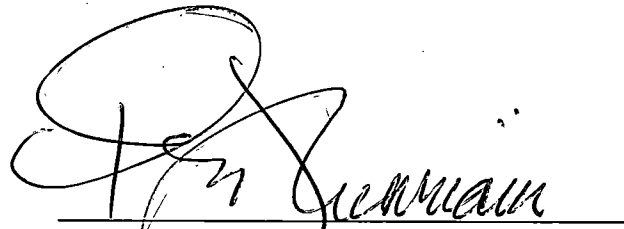




2. The R&R (Doc. 41) is **ADOPTED** for the reasons set forth therein.
3. The Motion to Dismiss Plaintiff's Amended Complaint, filed by Defendants Chris Osborne, Andrew Krowiak, Brian Gallagher, Harold Zech, and John Munley (Doc. 31), is **GRANTED**.
4. The Motion to Dismiss Plaintiff's Complaint, filed by Defendants Michael Barrasse and Jeffrey Smith (Doc. 35), is **GRANTED**.
5. Plaintiff's Amended Complaint (Doc. 21) is **DISMISSED without leave to amend**.



Robert D. Mariani  
United States District Judge

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Further, to the extent that Plaintiff claims that the "statements" at issue consist of something other than the allegations set forth in the Amended Informations, he does not state what these statements were or in what way one or more Defendants "compelled" or "forced" him to make the statements.

The Court additionally agrees with the Magistrate Judge's determination that Defendants Michael Barrasse and Jeffrey Smith are protected by judicial immunity and that Defendants Chris Osborne, Andrew Krowiak, Brian Gallagher are protected by prosecutorial immunity. Plaintiff's Objections accuse the judicial and prosecutor defendants of "making up a witness and making up a statement and attaching this witness and statement to the person of Plaintiff and compelling the Plaintiff to state the Defendants statement" and argue that these actions are not entitled to immunity (Doc. 42, ¶¶ 21, 22, 25). Plaintiff has set forth no factual allegations to support a claim that a witness was "made up" and, as set forth above, to the extent that the "statement" at issue is the allegations in the Amended Information, such statement is merely an allegation against, or involving, Miles, and does not impermissibly attribute any statements or admissions to him. Plaintiff does not cite to any other alleged actions by Judges Barrasse and Smith or the named prosecutors in support of his Objections asserting that these individuals are not entitled to immunity, and a review of the factual allegations set forth in the Complaint make clear that these defendants' actions were done within their judicial and prosecutorial capacities and are protected by judicial and prosecutorial immunity.